PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

Porat, Alex
Magna International Inc.
337 Magna Drive
Aurora, Ontario L4G 7K1
CANADA

MAGNA INTERNATIONAL INC.
PATENT DEPARTMENT
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NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing *(day/month/year)*	06.06.2005
Applicant's or agent's file reference 702188 PCT	**IMPORTANT NOTIFICATION**

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/CA 03/01973	22.12.2003	24.01.2003

Applicant
INTIER AUTOMOTIVE CLOSURES INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.

2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.

3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:

European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Ter Haar, H

Tel. +31 70 340-3817

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 702188 PCT	**FOR FURTHER ACTION**	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/CA 03/01973	International filing date *(day/month/year)* 22.12.2003	Priority date *(day/month/year)* 24.01.2003
International Patent Classification (IPC) or both national classification and IPC E05F11/48		
Applicant INTIER AUTOMOTIVE CLOSURES INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

   ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

   - I ☒ Basis of the opinion
   - II ☐ Priority
   - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - IV ☐ Lack of unity of invention
   - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - VI ☐ Certain documents cited
   - VII ☐ Certain defects in the international application
   - VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
24.08.2004	06.06.2005
Name and mailing address of the international preliminary examining authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Witasse-Moreau, C Telephone No. +31 70 340-4370

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/CA 03/01973

I. Basis of the report

1. With regard to the **elements** of the international application *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*:

Description, Pages

1-10	as originally filed

Claims, Numbers

1-7	as originally filed
8-16	received on 18.05.2005 with letter of 18.05.2005

Drawings, Sheets

1/6-6/6	as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

   These elements were available or furnished to this Authority in the following language: , which is:

   - ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
   - ☐ the language of publication of the international application (under Rule 48.3(b)).
   - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

   - ☐ contained in the international application in written form.
   - ☐ filed together with the international application in computer readable form.
   - ☐ furnished subsequently to this Authority in written form.
   - ☐ furnished subsequently to this Authority in computer readable form.
   - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
   - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

   - ☐ the description, pages:
   - ☐ the claims, Nos.:
   - ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

   (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-16
	No:	Claims	
Inventive step (IS)	Yes:	Claims	2-10,16
	No:	Claims	1,11-15
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	

2. Citations and explanations

   see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

   D1: US-A-5 309 679 (WARD MARCUS J S) 10 May 1994 ,
   D2: US-A-6 050 029 (WAGNER FRANZ ET AL) 18 April 2000,
   D3: GB 512 273 A (ARTHUR SMYE;WILMOT BREEDEN LTD) 31 August 1939.

2. INDEPENDENT CLAIMS 1, 2 AND 16

2.1 Claim 1

The document D1 discloses (see figure 4; the references in parentheses applying to this document):
A window regulator assembly comprising:
at least one rail (11, 13);
a lift plate (10);
at least one cable (216);
a first guide (20a) mounted near a first end of said at least one rail;
a second guide (24b) mounted near a second end of said at least one rail; and drive means (14) or translating the at least one cable;
wherein a lift pulley (50a, 50b) is mounted to each lift plate, and said at least one cable has a first end anchored (52a) near said first rail end and wound about the lift pulley (50a) of the rail presenting said first end (52a) and thence routed about the first guide (20a), and a second end anchored (52b) near said second rail end and wound about the lift pulley (50b) of the rail presenting said second end (52b) and thence routed about the second guide (24b), said at least one cable interconnecting the first and second guides (20b, 24b),
whereby actuation of the drive means in a first sense tensions said at least one cable to move each lift plate towards said first rail end, and actuation of the drive meas in a second sense, opposite said first sense, tensions said at least one cable to move each lift plate towards said second rail end.

The subject-matter of claim 1 therefore differs from this known window regulator in that the first and second guides are guide pulleys and not curved Bowden cable for guiding the cable and in that the sliding plate is slidingly mounted on rail.

It is however generally known to the person skilled in the art that the guide pulley is an equivalent to the curved guide of document D1 and can be interchanged with that feature where circumstances make it desirable.

Moreover having rails guiding the sliding plate and pulleys fixed to the rails, is merely one of the two straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed (rail : improve stability and allow pre-mounting / no rail : lighter arrangement with less elements).

Therefore the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

2.2 Claim 2

The document D3 discloses (the references in parentheses applying to this document):

A window regulator assembly comprising: a rail (12), a lift plate (16) mounted to slide along the rail ; at least one cable ; first and second guide pulleys (40a, 40b) respectively mounted near first and second ends of the rail ; and a rotatable cable guiding drum (44)and a lift pulley (36) mounted to the lift plate

The subject-matter of claim 2 differs from the window regulator of D3 in that the at least one cable has a first end anchored near the first end of the rail and wound about the lift pulley and thence routed about the first guide pulley to operatively engage the drum, and a second end anchored near the second end of the rail and wound about the lift pulley and thence routed about the second guide pulley to operatively engage the drum.

The subject-matter of claim 2 is therefore new (Article 33(2) PCT).

The particular arrangement of the cable proposed in claim 2 and allowing an optimization of the torque is considered as involving an inventive step (Article 33(3) PCT) as it is neither known from, nor rendered obvious by, the available prior art.

2.3 Claim 16

Document D3, which is considered to represent the most relevant state of the art, discloses (see figure 2) :

A window regulator assembly comprising: a rail (3), a lift plate (j) mounted to slide along the rail; at least one cable; and first and second guide pulleys (f, d) respectively mounted near first and second ends of the rail, a lift pulley (i) mounted to the lift plate wherein the at least one cable extends linearly between the first and second guide pulleys (d, f) ; and wherein at least one of the first and second guide pulleys (d) is connected to a means for rotating the pulley (e) and includes a multi-turn cable guide for winding and unwinding the at least one cable, whereby rotation of the drive pulley in a first sense tensions the at least one cable to move the lift plate towards the first end of the rail, and operative movement of the drive pulley in a second sense, opposite said first sense, tensions the at least one cable to move the lift plate towards the second end of the rail.

The subject-matter of claim 16 differs from this known window regulator in that the at least one cable has a first end anchored near the first end of the rail and wound about the lift pulley and thence routed about the first guide pulley, a second end anchored near the second end of the rail and wound about the lift pulley and thence routed about the second guide pulley.

The subject-matter of claim 16 is therefore new (Article 33(2) PCT).

The particular arrangement proposed in claim 16 with a longer lenght of cable, decreasing the speed of the lift plate relative to the cable and thus reducing the torque, is considered as involving an inventive step (Article 33(3) PCT) as it is neither known from, nor rendered obvious by, the available prior art.

3. DEPENDENT CLAIMS

3.1 Claims 2-10 are dependent on claim 2 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

3.2 Claims 11-15 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to inventive step, as these features are already known from the documents cited in the search report while used for the same purpose or are merely a matter of normal design procedure; see for instance D2, figure1.